

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DORRET FRANCIS;)	
ANTHONY KENNEDY; and)	
CHRISTINE PEARCE, on behalf of)	
themselves and all others similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-18-583-SLP
)	
APEX USA, INC., et al.,)	
)	
Defendants.)	

ORDER

Before the Court is Plaintiffs’ Renewed Motion to Strike the Expert Report and Testimony of Greg H. Bristol [Doc. No. 198]. Plaintiffs filed a virtually identical Motion in the related case, *Casilao v. Hotelmacher, LLC*, Case No. CIV-17-800-SLP, W.D. Okla., Mot. [Doc. No. 220]. The Court denied that Motion. *See id.*, Order [Doc. No. 227].


Although Defendant has not yet responded to the Motion, the Court finds, for substantially the same reasons as set forth in the *Casilao* action, the Motion should be denied. Plaintiffs merely “refer to their previously-filed” briefing submissions. The Court addressed those briefing submissions in its Order denying Plaintiffs’ Motion for Class Certification. *See* Order [Doc. No. 152] at 29-20 n. 21.

Plaintiffs’ previous briefing submissions pertained to the class-certification stage of this proceeding. The Court recognizes that its prior ruling was expressly limited to the class-certification stage and did not extend to the merits phase of this litigation.

Plaintiffs, however, impermissibly shift the burden and the workload to the Court to discern, at this stage in the proceedings, why Mr. Bristol's testimony should be excluded. Without any new argument, analysis or evidence, Plaintiffs' submission is insufficiently developed.

IT IS THEREFORE ORDERED that Plaintiffs' Renewed Motion to Strike the Expert Report and Testimony of Greg H. Bristol [Doc. No. 198] is DENIED.

IT IS SO ORDERED this 9th day of August, 2022.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE